

likewise continue to work on a compromise, including this matter?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Yes; we would hope, of course, that the Committee would show its general disposition by voting in favor of the Committee and against the amendment, but if we lose it, we will certainly try to retrieve what ground we have by way of compromise.

THE CHAIRMAN: Delegate Clagett.

DELEGATE CLAGETT: And by way of compromise you will consider making this a provision by rule rather than by constitutional mandate?

DELEGATE GALLAGHER: Yes. As I said, we really do not intend that there be a literal interpretation of this. If somebody misses an "a" or "the," we really do not want the legislature to fall on its face.

We do not mean literal compliance.

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: Mr. Chairman, the vote on the last amendment would indicate that this amendment would also fail, and these votes disturb me, because I think that the members of the Committee perhaps are viewing this subject from the standpoint of theory, that theory being the theory of visibility, whereas there is a very practical aspect to it, which perhaps has been lost sight of.

The practical aspect is that what we are doing here, perhaps, is placing in the Constitution prerequisites which will have to be met before a bill can become law.

Now, a lot has been said about bond legislation and since I have some familiarity with this subject, I thought perhaps it might be helpful to the Committee to give you in some capsule form exactly what we are talking about.

When an attorney is asked to approve a bond issue, what he is doing in effect is he is certifying that the act which was introduced into the General Assembly and became law really is the law.

This means in effect that the bill as it passed through both houses met all of the constitutional prerequisites that the document requires, so that you can say, without any doubt at all, that that bill has ripened into a law.

That is to say, you have got to check out each of the steps as the bill passes through to make sure that those steps as

required by the Constitution have been complied with.

In this regard, the job is very much like the title search that is done when you buy a house. The lawyer goes to the record offices of the courthouse and checks out each of the transactions that preceded the one you are engaged in and finally determines that there is a free and clear title, and so certifies.

Well now, the problem here is that if we continue to mount Constitutional prerequisites it is going to be virtually impossible for a conscientious attorney or firm of attorneys, to certify that all of these things have been met.

The vote on the business about the committees is going to be an extremely difficult thing to determine, even though we have a very modern equipment and very modern machinery to meet these tasks. Still and all, it is going to be tremendously difficult, if not impossible, to do.

THE CHAIRMAN: You have one-half minute, Delegate Case.

DELEGATE CASE: I would hate to see the constitution drawn in such a way as to fix these elements as constitutional requirements for the certification and validity of the law.

I am wondering, therefore, and this is merely a suggestion, whether or not Delegate James would not agree to withdraw this amendment so that there would not be a vote on it, with the idea that he and Delegate Gallagher will get together as Delegate Clagett has suggested for the purpose of continuing these things in the document. In this way, the visibility theory will be met, but it will be clear that these matters are not of such constitutional dignity that they could in fact force the scrambling of the laws that would tax the brain of the best bond attorney in the state.

THE CHAIRMAN: Delegate James.

DELEGATE JAMES: Delegate Case has explained the matter from a strict legal standpoint just about as well as it can be explained.

My political instincts tell me it is well to withdraw the amendment.

THE CHAIRMAN: Do you do so?

DELEGATE JAMES: Yes, and to seek further assistance from Delegate Gallagher.

THE CHAIRMAN: Delegate Gallagher.